

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 KEITH CHARLES KNAPP, as Trustee of)
6 the California Home Loans Profit Sharing)
7 Plan; TRUST FOR THE)
8 CALIFORNIA HOME LOANS)
9 PROFIT SHARING PLAN, as a fiduciary)
of the California Home Loans Profit Sharing)
Plan; THERESE A. LAVOIE, as a)
participant in the California Home Loans)
Profit Sharing Plan,)

10 Plaintiffs,)

11 v.)

12 NOREEN CARDINALE, an individual,)
13 Defendant.)

CASE NO. C 12-05076-RMW-HRL

**STIPULATION AND []
ORDER TO ENLARGE TIME FOR
PLAINTIFFS TO RESPOND TO
DEFENDANT'S MOTION FOR
TEMPORARY STAY OF PROCEEDINGS
AND FOR DEFENDANT TO REPLY TO
PLAINTIFFS' RESPONSE**

Hon. Ronald M. Whyte

**Pre-Trial Conf.: June 26, 2014
Trial Date: July 21, 2014**

**Hearing Date: June 20, 2014
Hearing Time: 9:00 a.m.
Courtroom 6 – 4th Floor**

16 NOREEN CARDINALE,)

17 Plaintiff,)

18 v.)

19 DANIEL R. MILLER JR.; PATRICE)
20 MILLER, his spouse; DANIEL R. MILLER)
21 SR.; PASHLIN INC., a California)
22 corporation; DERALD R. KENOYER;)
23 KEITH CHARLES KNAPP; HOME LOAN)
24 SERVICES CORPORATION dba)
25 CALIFORNIA)
26 HOME LOANS, a California Corporation;)
27 and DOES 1 through 100, inclusive)

28 Defendants.)

RELATED CASE NO. C 12-05078-RMW

**(Remanded Pursuant to Order Dated
February 15, 2013)**

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiffs Keith Charles Knapp, as Trustee of the California Home Loans Profit Sharing Plan, the Trust for the California Home Loans Profit Sharing Plan, as a fiduciary of the California Home Loans Profit Sharing Plan, Therese A. Lavoie, as a participant in the California Home Loans Profit Sharing Plan, and Defendant Noreen Cardinale hereby stipulate and request that the deadline for Plaintiffs to respond to Defendant's Motion for Temporary Stay of Proceedings ("Motion") (Doc. 101) and for Defendant to reply to Plaintiffs' response, currently due on May 29, 2014, and June 5, 2014, respectively, be extended until June 6, 2014, and June 13, 2014, respectively.

Defendant's Motion seeks to stay this action brought pursuant to the Employee Retirement Income Security Act of 1974, as amended. (*See* Declaration of Joseph A. Garofolo ¶ 3 filed concurrently herewith). Plaintiffs' only counsel, Joseph A. Garofolo, has a vacation in Hawaii scheduled from May 22, 2014, until June 1, 2014, and Plaintiffs' response would otherwise fall on May 29, 2014. (*See id.* at ¶¶ 3-5). Plaintiffs' counsel's vacation was scheduled well in advance of the noticed motion. (*See id.* at ¶ 4). The requested extension for Plaintiffs' response until June 6, 2014, and for Defendant to reply until June 13, 2014, would not have any effect on the noticed date for the Motion to be heard of June 20, 2014. (*See id.* at ¶ 6).

This is the first request for an enlargement of time for Plaintiffs to file a response to Defendant's Motion and for Defendant to reply, and the parties do not believe that the requested enlargement would have any effect on the schedule for the case. (*See id.* at ¶¶ 6-7).

IT IS SO STIPULATED AND AGREED.

May 21, 2014

/s/ Michael L. Boli

Michael L. Boli
Attorney for Defendant/Judgment Creditor Noreen
Cardinale

May 21, 2014

/s/ Joseph A. Garofolo

Joseph A. Garofolo
Attorney for Plaintiffs Keith Charles Knapp, as Trustee of
the California Home Loans Profit Sharing Plan, the Trust
for the California Home Loans Profit Sharing Plan, as a
fiduciary of the California Home Loans Profit Sharing
Plan, and Therese A. Lavoie, as a participant in the
California Home Loans Profit Sharing Plan

ORDER

Pursuant to the Stipulation, and good cause appearing, the Court orders the following:

- i) Plaintiffs may file their response to Defendant's Motion for Temporary Stay of Proceedings by, and including, June 6, 2014; and ii) Defendant may file her reply to Plaintiffs' response to Defendant's Motion for Temporary Say of Proceedings by, and including, June 13, 2014.

IT IS SO ORDERED.

Dated: May ^{GG}__, 2014



UNITED STATES DISTRICT JUDGE